

REMARKS

Claims 1 to 39 are pending. Claims 40 to 50 are currently canceled. Reconsideration of the application is requested.

I. § 102 Rejections

Independent claims 1 and 15 are rejected under 35 USC § 102(b) as being anticipated by U.S. Patent No. 5,780,047 ("Kamiya"). Applicants respectfully disagree for at least the reasons set forth below.

A. Independent Claim 1

1. First, Kamiya does not teach or disclose a device in which a support layer is attached to a carrier on the surface opposite the adhesive layer, i.e. a construction of 1) support layer, 2) carrier, and 3) adhesive.

Kamiya discloses a patch comprising a water-soluble adhesive sheet (a) (cf. Kamiya, col. 2, lines 45-46). A sheet (b) comprising a water-soluble protective material may be provided on one side surface and/or a peelable sheet (c) may be provided on one side or both side surface(s), or the sheet (b) may be provided on one side surface and the peelable sheet (c) is provided on another side surface, in view of protection of the adhesive sheet (a) and convenience in handling upon application to human skin (cf. Kamiya, col. 5, lines 16-23). Therefore, Kamiya does not disclose a device having the construction of 1) support layer, 2) carrier, and 3) adhesive.

The Examiner argues that applicants are only claiming one layer (i.e., the support layer) and that the carrier and adhesive are not being claimed as individual layers situated in a particular order (cf. Office Action dated 12/12/08, page 6). However, this interpretation is inconsistent with the language of claim 1. According to claim 1, the "cold water-soluble carrier ... [has] a first surface and a second surface," the "cold water-soluble adhesive [is] disposed on at least a portion of the first surface of the

carrier,” the “cold water-soluble adhesive ... [has] a carrier surface in contact with [the] first surface of the carrier and an application surface opposed to the carrier surface,” and the “support layer releasably adhere[s] to the second surface of the carrier.” In other words, the carrier has a first surface and a second surface, and the adhesive has a surface in contact with the first surface of the carrier and a surface opposed to the carrier surface. The positional relationship between the carrier, adhesive and support layer, as provided in claim 1, clearly supports a device having the construction of 1) support layer, 2) carrier, and 3) adhesive. This construction is also fully supported in the specification (see, for example, present application, page 5, lines 9-20).

2. Second, Kamiya does not teach or disclose a cold water-soluble carrier comprising at least one polymer and at least one plasticizer as recited in claim 1. Plasticizers can be used to reduce the brittleness of the carrier film, thereby making the film tougher, more conformable and generally improving its handling properties. Certain plasticizers can provide a degree of adhesiveness to the carrier. Cf. present application, page 8, lines 1-3.

Kamiya teaches a water-soluble protective material (b) that preferably comprises a water-soluble film, a water-soluble nonwoven fabric, a water-soluble woven fabric or a water-soluble nonwoven fabric or a water-soluble woven fabric with a water-soluble film laminated thereon. This water-soluble protective material (b) is adhered to one face of the water-soluble adhesive sheet (a). Cf. Kamiya, col. 5, line 39 through col. 6, line 19. Nowhere does Kamiya teach a water-soluble protective material comprising at least one polymer in combination with at least one plasticizer.

For at least the reasons provided above, claim 1 is patentable over Kamiya. Therefore, withdrawal of the § 102(b) rejection with respect to claim 1 is respectfully requested.

B. Independent Claim 15

Claim 15 recites “[a] system for delivering at least one active agent to a localized body surface comprising: a cold water-soluble carrier comprising at least one polymer and at least one plasticizer, and having a first surface and a second surface; a cold water-soluble adhesive disposed on at least a portion of the first surface of the carrier, and having a carrier surface in contact with first surface of the carrier, and an application surface opposed to the carrier surface; at least one active agent in association with the carrier, the adhesive, or both; and a support layer releasably adhered to the second surface of the carrier.”

As discussed above with respect to independent claim 1, Kamiya does not teach or disclose a device in which a support layer is attached to a carrier on the surface opposite the adhesive layer, i.e. a construction of 1) support layer, 2) carrier, and 3) adhesive. Furthermore, Kamiya does not teach or disclose a cold water-soluble carrier comprising at least one polymer and at least one plasticizer.

For at least the reasons provided above, claim 15 is patentable over Kamiya. Therefore, withdrawal of the § 102(b) rejection with respect to claim 15 is respectfully requested.

II. § 103 Rejections

Independent claim 1 is rejected under 35 USC § 103(a) as being unpatentable over Kamiya in view of U.S. Patent No. 5,028,435 (“Katz”).

Katz fails to make up for the deficiencies noted in Kamiya above. Therefore, independent claim 1 is patentable over the combination of Kamiya and Katz. Removal of the § 103 Rejection with respect to claim 1 is respectfully requested.

III. Dependent Claims 2-14 and 16-39

Claims 2-14 each add additional features to claim 1. Claim 1 is patentable for the reasons given above. Thus, claims 2-14 are likewise patentable.

Claims 16-39 each add additional features to claim 15. Claim 15 is patentable for the reasons given above. Thus, claims 16-39 are likewise patentable.

Examination and reconsideration of the application is requested.

Respectfully submitted,

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